



Public Legal Education
and Information Service
of New Brunswick

New Brunswick Child Support Variation Kit

Information for parents who
want to change, or have been asked
to change, an existing child support
order or agreement.



Public Legal Education and Information Service of New Brunswick has developed this child support variation kit in cooperation with the Department of Justice. The purpose of the kit is to help parents who want to update their child support orders but have no options except to apply to the court on their own.

This kit is intended for general information only. It does not contain a complete statement of the law in the area of child support and laws change from time to time. Anyone requiring advice about his or her specific legal situation should contact a lawyer.

Public Legal Education and Information Service of New Brunswick (PLEIS-NB) is a non-profit organization. Its goal is to provide New Brunswickers with information on the law. PLEIS-NB receives funding and in-kind support from the Department of Justice Canada, the New Brunswick Law Foundation and the New Brunswick Department of Justice. Project funding for this kit was received from the New Brunswick Department of Justice and supported by Justice Canada. Funding for revisions to this kit was provided by Justice Canada.

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This Guide does not offer legal advice. The Guide is for general information only. It does not contain a complete statement of the law in the area of family law, and laws change from time to time. PLEIS-NB and its contributors are not responsible for errors and misunderstandings. **You should see a lawyer before starting for advice about your individual circumstances.**

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P.O. Box 6000
Fredericton NB, E3B 5H1
Tel: (506) 453-5369
Fax: (506) 462-5193
Email: pleisnb@web.ca
www.legal-info-legale.nb.ca

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BEFORE USING THIS KIT, CAREFULLY REVIEW THIS CHECKLIST

- ✓ Did you know the way that courts calculate the amount of child support to be paid when parents divorce changed on May 1, 1997? The new method is set out in the "**Child Support Guidelines**". The basic amount of support to be paid is found in province-specific tables. Parents can calculate the table amount by looking at the payer's income and the number of entitled children. Provincial legislation (*Family Services Act*) was changed on May 1, 1998, so that the guidelines also apply to unmarried or separating parents.
- ✓ The child support guidelines automatically apply to all parents who divorce or separate after these dates. Whenever there is a change in circumstances that would result in different a table amount, parents can change their child support order. This is called a "**variation**". Parents who have child support orders or agreements made before these dates have the right to bring them in line with the child support guidelines if they wish. If both parents are happy with their existing arrangement they can keep it as is.
- ✓ Before you act, **read about the Child Support Guidelines**. You can contact Court Services or the Public Legal Education and Information Service of New Brunswick to get free information. Ask for "**A Guide to the new approach**" and the "**Workbook for parents**". Make sure you have the information necessary to calculate the amount of child support payable, such as the payer's annual income. If you do not, arrange to get the information. Under the Guidelines, payers must disclose their income. Once you calculate the support payable under the guidelines, you can look at your options.
- ✓ Remember, the **tax rules** for child support orders changed as of May 1, 1997. Since that date, the payer can no longer deduct the payments from taxable income, and the recipient no longer needs to include the payments as taxable income. Child support orders or agreements made before May 1, 1997 are not covered by the new tax rule unless parents jointly elect to include them or the order is varied after this date. You may want to consult an accountant or the Revenue Canada toll-free line (1-800-959-8281).
- ✓ Consider using mediation to vary your order. Mediation can help parents reach an agreement that reflects the child support guidelines. You may use private mediators or the **free mediation service** available through the court. You can find the court office addresses on page 13. An agreement reached through mediation can be put into a "consent order". When a consent order is filed with the court, a judge must approve and sign it to make it a court order.
- ✓ If mediation is not possible, or fails, either parent can ask the court to apply the child support guidelines. Talk to a lawyer or Family Court Services before using this kit to do it yourself. Parents should clarify their rights, obligations and options.

To receive information about the guidelines, you can also call

- PLEIS-NB's Family Law
Toll-Free Information Line
1-888-236-2444
- Justice Canada
1-888-373-2222

Is this kit for me?

This kit may help parents who

- ☐ **already have a court order** for child support, either from a divorce (under the *Divorce Act*) or from a court application under the N.B. *Family Services Act* (Note, the court will not consider whether the original order was right or wrong.); and,
 - ☐ **are ordinarily resident in New Brunswick**, if the motion relates to an order from a divorce, **or** are **one of the people named in the child support order**, if the motion relates to an order under the N.B. *Family Services Act*; and,
 - ☐ **have reason to change a child support order made**
 - (i) before the child support guidelines came into force to bring it into line with the guidelines**
(A parent can make a motion to get the table amount under the guidelines simply because they had an order or agreement made before May 1, 1997 under the *Divorce Act* and May 1, 1998 under the N.B. *Family Services Act*.)
 - or
 - (ii) after the child support guidelines came into force because of a change in circumstances.**
(A parent can ask the court to change an order if there has been a change in circumstances that would result in a different table amount. For example, a payer's income may increase or decrease substantially. A payer who loses his job may need temporarily to suspend child support payments or ask the court to cancel the arrears already due
 - or
 - (iii) are responding to an application by the other parent to change an existing order;**
- and,
- ☐ **cannot afford a lawyer.**

This kit is not recommended for parents who

- ☒ **do not already have an order or agreement** for child support.
- ☒ **want to change a custody, access or spousal support order.**
- ☒ **need legal advice because**
 - * parent who wants to change the order does not know where the other parent lives.
 - * the other parent lives outside New Brunswick.
 - * the child support order was made under provincial legislation in another province.
 - * the facts of the situation are complicated, such as an undue hardship claim.

A court will not change child support because of problems with access.

THIS KIT HAS FOUR PARTS

Part I: Changing a Child Support Order

Part I sets out the steps for a parent who wants to change a child support order - the **applicant**. Changing an existing court order is called a **variation**. To vary your child support order, you must make a **motion** in court. A **motion** allows the court to decide a question after the original court proceeding is over. For example, you may want the court to bring your child support order into line with the child support guidelines. To make a motion you will need to

Step 1	Prepare the documents for the motion	page 1
Step 2	Swear to the affidavit and Financial Statement	page 5
Step 3	File your documents at the court office	page 6
Step 4	Arrange service on the other parent	page 7
Step 5	File the record on motion	page 9

Part II: Responding to a Notice of Motion

Part II is for a parent who receives a Notice of Motion - the **respondent**. You will probably be required to file financial information. You may also want to respond to the Notice of Motion. You will need to

Step 1	Prepare the documents	page 10
Step 2	Swear to the Financial Statement and any affidavit	page 10
Step 3	File the documents	page 10
Step 4	Arrange service	page 10

Part III: Preparing for the Court Hearing

You and the other parent will probably have to appear in court for the hearing on the motion. Part III provides information for parents to prepare for a court hearing. You will need to

Step 1	Find out if there will be a hearing	page 11
Step 2	Gather any documents	page 11
Step 3	Organize your evidence and arguments	page 11
Step 4	Go to the court hearing	page 11

Part IV: Forms and Sample Documents

page 14

Costs of making a motion include

- about \$10 for forms and photocopying
- approximately \$50 if you hire a process server



Public Legal Education
and Information Service
of New Brunswick

New Brunswick
Child Support
Variation Kit

Part I: CHANGING A CHILD SUPPORT ORDER

Step 1: Prepare the Documents for the Motion

Checklist of Documents to Prepare

- ☐ 1. Notice of Motion (Form 72U)
- ☐ 2. Affidavit
- ☐ 3. Financial Statement (Form 72J) and income information
- ☐ 4. blank Financial Statement form, if required.

1. Notice of Motion (Form 72U)

Fill out your Notice of Motion. See Examples 1 and 2.

- ☐ Tell the court what order you are requesting.
- ☐ Refer to the title and section number of the laws and rules that you are using as your authority.
- ☐ List the documents that you are including, such as affidavits, Financial Statements and income information.
- ☐ Sign the Notice of Motion and put your address under your signature.

2. Affidavit

An **affidavit** is a signed written statement of facts that you swear or affirm is truthful. An affidavit is not a form. It is a statement that you prepare yourself. Example 3 is a sample affidavit. Prepare an affidavit to go with the notice of motion.

In an affidavit for a motion, you can include

- facts about which you have personal knowledge and
- statements based on your information and belief. In this case, indicate clearly when you are stating a belief and not personal knowledge. You must also clearly state how you got this information and why you believe it. For example, give the name of the person who told you and say that you believe the information.

Things You Should Know About Affidavits

- ◆ Making an affidavit is like being a witness in court.
- ◆ Write in the first person. Use "I".
- ◆ Organize the information into separate paragraphs.
- ◆ Number your paragraphs. Each paragraph should cover only one piece of information.
- ◆ State your information clearly and accurately in unemotional language.
- ◆ Include the information the court needs in order to make a decision.
- ◆ Leave out irrelevant information and include all relevant information. Information is *relevant* if it helps to show a fact that you want to prove.
- ◆ Do not put in accusations, arguments or irrelevant statements.

**Making a false statement
in an affidavit is a criminal
offence.**

In an affidavit for a motion relating to child support, be sure to include:

- ☐ your full name and place of residence
- ☐ the date the existing order was made
- ☐ the names and birth dates of the children covered by the support order
- ☐ who the children reside with
- ☐ where the respondent lives
- ☐ the current amount of child support
- ☐ who is the payer of child support
- ☐ who is the recipient of child support
- ☐ how often the child support payments are supposed to be made
- ☐ whether the child support payments are in arrears, and
- ☐ the changes in circumstances since the court made the order, such as
 - the coming into force of the child support guidelines
 - an increase or decrease in the support payer's income.

Attach the original court order to the affidavit.

Make sure that the information in your affidavit is complete because there may not be a hearing.

3. Financial Statement (Form 72J) and income information

You have to fill out a Financial Statement and provide income information if

- you are the support payer or
- you receive the child support and it involves, or will involve: special expenses, a child over the age of majority, split or shared custody, or an undue hardship claim.

You may not have to fill out a Financial Statement or provide income information if

- you are the parent who receives child support and
- you apply for a change in the child support order and
- you are asking for the table amount only and
- the other parent does not claim undue hardship.

You can get a Financial Statement (Form 72J) from the court for one dollar.

- ◆ Even if you are not required to turn in a Financial Statement and income information, it is a good idea to prepare these documents anyway. Keep them on hand in case the information becomes necessary later on.

For more information, read
the PLEIS-NB fact sheet
*The Financial Statement and
Income Information.*

4. Blank Financial Statement form

Ask the court office where you are filing the motion whether you will also need to serve a Notice to Respondent and blank Financial Statement form.

Tips for Preparing Your Documents

- ◆ A blank Notice of Motion form may come with this kit. You must purchase and/or prepare other forms and documents yourself. (see page 14) Photocopy blank forms before you start in case you make a mistake.
- ◆ Prepare court documents carefully. The court will not be less demanding just because you are preparing your own motion.
- ◆ Read the blank forms and look at the examples before you start.
- ◆ Prepare the document in either English or French.
- ◆ Use white paper.
- ◆ Use only one side of the page.
- ◆ Leave margins about 4 centimetres (1.5") wide on all four sides of the page.
- ◆ Type and double space (at least one and a half lines) all documents. You can print if your printing is neat and legible. If you print, use a pen with black ink. Do not use a pencil. The court may return any documents that are not easy to read.
- ◆ Fill out the forms completely.
- ◆ You must **sign** the original. Type or print your name clearly underneath the signature.
- ◆ Check photocopies carefully. Always make extra copies for your own records.
- ◆ When you have completed your forms and your affidavit, consider hiring a lawyer to look over them. This may help make sure that everything goes smoothly. You may be able to see a lawyer at a legal advice clinic if one is available in your community.
- ◆ Each case before the court has a title, called a **Title of Proceeding**. That is how the court identifies cases. You must put this same title on all documents relating to your motion. Only the name of the document changes. See the example on the next page.

- Questions -

If you have questions about court forms or court procedures, contact the court administrator at the Family Division office.

You can find the court office addresses on page 13.

The court administrator cannot give you legal advice or complete your forms for you.

If you have a question which the administrator cannot answer, you may need to contact a lawyer.

Example of a Title of Proceeding

		Court File Number: _____ 1
 IN THE COURT OF QUEEN'S BENCH OF NEW BRUNSWICK FAMILY DIVISION JUDICIAL DISTRICT OF _____ 2		
BETWEEN:	_____ 3	APPLICANT
- and -		
	_____ 4	RESPONDENT
	_____ 5 (FORM __)	

Notes:

- 1 The administrator gives you a court file number when you file your motion. Put this number on every document that you file for your motion.
- 2 Write the judicial district where you will file the documents. The judicial district must be one where either parent ordinarily resides. If there is a court hearing, it will be in this district. See page 13 for a list of judicial districts in New Brunswick.
- 3 Write the Applicant's name. The Applicant is the parent who files the Notice of Motion seeking a change in child support.
- 4 Write the other parent's full name here. He or she is the Respondent.
- 5 Write the name of the document and form number, if there is one. For example:
 - Affidavit
 - Financial Statement (Form 72J)
 - Index.

Step 2: Swear to the Affidavit and Financial Statement

You must swear, or solemnly affirm, that the contents of your affidavit and Financial Statement are true. For your affidavit and your Financial Statement (if you prepare one)

- ☐ Take them to a **commissioner of oaths**. A commissioner of oaths is a person with authority to witness a sworn statement.
- ☐ Show the commissioner of oaths the documents, including any other documents (called exhibits) that you are putting with them.
- ☐ Sign the documents in front of the commissioner of oaths and swear that the information in them is true.
- ☐ The commissioner of oaths signs the documents after watching you sign them.
- ☐ If you made any corrections, the commissioner of oaths must initial the corrections.
- ☐ The commissioner of oaths will also initial any exhibits.

There are several ways to find a commissioner of oaths.

- ◆ In New Brunswick all lawyers are commissioners of oaths. Look under "Lawyers" in the Yellow Pages.
- ◆ As well, some other people are authorized to act as a commissioner of oaths. You could ask if anyone is a commissioner of oaths
 - where you work
 - at a post office
 - at a mayor's office
 - at a police station
 - at a Revenue Office and
 - at a Service New Brunswick Centre
- ◆ If you live in a rural community, Consumer Affairs (telephone: (506) 453-2322) may give you the name of a local commissioner of oaths.

You can telephone the commissioner of oaths to find out if there is a fee.

Step 3: File Your Documents at the Court Office

Put together a package of

- ☐ all the documents that you prepared in Step 2, held together with a paper clip
 - ☐ three sets of photocopies of all the documents, held together with a paper clip
 - ☐ a covering letter (see Example 4)
 - ☐ a self-addressed envelope, legal-size (8 1/2" x 14")
-
- ☐ Mail or hand deliver this package to the court office. This must be the court office in the judicial district where you or the other parent lives and where you would like the court hearing to be. See the list of court addresses and judicial districts on page 13.
 - ☐ The staff will set a date for the hearing and write it on the first page of the Notice of Motion. They will stamp and return the original documents to you and keep (*file*) the set of copies.

*Now you have the original Notice of Motion
with the hearing date and court file number written on it.*

Step 4: Arrange Service on the Other Parent

Once you have a date for the hearing, you must arrange for someone to **serve** the documents on the other parent. You must make sure that the other parent receives the documents, but you cannot deliver the documents yourself. Someone else, called the *server*, must do it.

You must serve the notice of motion at least 25 days before the hearing. If this is impossible you may be able to serve the documents later. See a lawyer.

Prepare the Affidavit of Service

An Affidavit of Service is the sworn statement of the person who serves the documents. It is your proof that the other parent received the documents. If you hire a process server, he or she will look after the Affidavit of Service. However if you ask a friend to be the server, you must prepare an Affidavit of Service. See Examples 5 and 6. Leave blanks for the server to fill in later.

Prepare the documents from Step 1 to be served on the other parent.

- ☐ Write "A" on the top of your original Notice of Motion.
- ☐ Photocopy all the original documents. (Also make an extra set to keep yourself.) Hold each set together with a paper clip.
- ☐ Give the original and one set of copies to the server, along with the Affidavit of Service.
- ☐ Tell the server where to find the other parent, such as their home or work address.

Methods of service

The *Rules of Court* permit several methods of serving a Notice of Motion. However, it is important to be able to prove that the other parent actually received the Notice of Motion and your other documents in time. Arranging for **personal service** is the best way to do this.

Method 1: Personal service

With this method of service, the server hand-delivers the documents. You can hire someone to do it. Look in the Yellow Pages under "process servers". Or you can ask a friend or relative to do it.

For personal service, the server must find the other parent and then

- ☐ If your server does not know the other parent well enough to be certain, the server should ask whether he or she is _____ (name) and ask for a piece of identification, such as a Social Insurance Number or driver's license.
- ☐ Write down the kind of identification and its number on the affidavit of service.
- ☐ Keep the original document and leave the copies of the Notice of Motion and the other documents with the other parent.

Service on Lawyers

If the other parent has hired a lawyer for this case or has authorized a lawyer to accept service, you can serve that person by leaving a copy of the documents with the lawyer. The lawyer accepts the service by signing and putting the date on the original.

After serving the documents, the server must

- ☐ Prepare an Affidavit of Service (Form 18B), unless it was service on a lawyer.
- ☐ Take the Affidavit of Service to a commissioner of oaths and sign it.
- ☐ Give the original documents and the Affidavit of Service back to you.

Method 2: Service by registered mail or courier

You can also use a courier or the registered mail service of the post office to serve the documents. Make your own Acknowledgment of Receipt Card (Form 18A) for your spouse to sign and send back to you. See Example 7. Send the Acknowledgment of Receipt Card with the rest of the documents. You may want to include a self-addressed stamped envelope for your spouse to mail the Acknowledgment of Receipt Card back to you.

For service by courier or registered mail, you must

- ☐ Keep the original documents.
- ☐ Send the set of photocopies to the other parent. There is a small fee for this.
- ☐ Write "Personal and Confidential" on the envelope. Only the other parent should sign for it. There can be problems with service by registered mail if someone other than the intended person signs the receipt card. In this case it may be necessary to serve the documents again or serve the documents personally.

After serving the documents by registered mail or courier, you must

- ☐ Prepare an Affidavit of Service (Form 18B), unless it was service on a lawyer.
- ☐ Take the Affidavit of Service to a commissioner of oaths and sign it. Be sure to attach the Acknowledgment of Receipt Card or post office receipt.

Call the court office in your judicial district to ask whether you must take or send the Affidavit of Service to the court office 5 days before the hearing date.

Step 5: File the Record on Motion

☐ Wait for the respondent to serve documents on you.

◆ You must wait to file the Record on Motion until

- you receive the other parent's Financial Statement, income information and responding document (a "responding document" is an affidavit that is prepared and filed with the court by the person served with a Notice of Motion to file child support. It tells the court how the parent disagrees with the motion), or
- you receive the Financial Statement and income information, and 20 days has passed since the other parent received the Notice of Motion, or
- you receive a Responding Document, and no income information is required from the other parent, or
- 20 days has passed since the other parent received the Notice of Motion

◆ The other parent may serve a Responding Document and affidavit(s) within 20 days.

◆ If the respondent serves a Responding Document, you may be required to provide a Financial Statement and income information even though you did not provide the information with your Notice of Motion. File them with the court administrator and arrange service on the other parent at least **3 days** before the hearing.

The other parent must serve a Financial Statement and income information on you within 20 days of receiving the Notice of Motion if that parent

- is the support payer or
- receives child support and there are special expenses, a child over the age of majority, split or shared custody, or an undue hardship claim.

If the other parent is required to give you a Financial Statement but does not, you can ask the court to

- proceed without the respondent's information or
- order the respondent to provide the information.

Call the court office at Family Division.

☐ Prepare a Record on Motion. Include:

- a **cover page**. Example 8 is a cover page.
- an **index**. List all the documents in the record. Number the pages and show the document numbers and page numbers in the index. Example 9 is an index.
- the original **Notice of Motion**.
- your original **affidavit(s) and the other parent's affidavit(s)** for the motion.
- your original **Financial Statement and income information and the other parent's Financial Statement and income information**.
- the **affidavit of service**.
- any other materials to be used for the hearing.

☐ Put the documents together in the same order as the list in your index. Hold them together with a paper clip.

☐ File the Record on Motion by taking or sending it to the court office where you filed the Notice of Motion. Make sure it arrives at least 48 hours before the date of the hearing. Do not include Saturdays, Sundays or legal holidays in counting the 48 hours.

Part II: REPLYING TO A NOTICE OF MOTION

If you receive a Notice of Motion

- ◆ Read the Notice carefully.
- ◆ You can hire a lawyer to advise you about your rights, obligations and options.
- ◆ If you cannot afford a lawyer, you may decide to use this guide.

If the motion is to reduce support, you may be eligible for legal aid. Contact the court worker (mediator) at Family Division (addresses and telephone numbers on page 13.)

Step 1: Prepare the following documents

- ☐ **Financial Statement (Form 72J) and Income Information** If your income information is required, you must file a Financial Statement and income information with the court even if you are not going to oppose the motion.
- ☐ **Affidavit of Service (Form 18B)**

If you decide to oppose the motion, also prepare your

- ☐ **Responding Document**
On the Responding Document, you tell the court why you disagree with what the other parent is requesting and what you are requesting. You also put your address, language (English or French) and telephone number.
See Example 10.
- ☐ **Affidavit**
Prepare an affidavit to go with your Responding Document.

For an explanation about	See
◆ Financial Statements	page 2
◆ Affidavit of Service	page 7
◆ Preparing affidavits	page 1
◆ Swearing to documents	page 5
◆ Filing documents	page 6
◆ Arranging service	page 7

Step 2: Swear to the Financial Statement (and affidavit if one)

Step 3: File the documents

Within 20 days of being served with the Notice of Motion, you must file the following documents (originals and three copies of each) with the administrator of the court where the motion was filed

- ☐ Financial Statement and income information.
- ☐ any affidavit.
- ☐ your Responding Document if you are contesting the motion.

Step 4: Arrange service

You must also serve on the other parent within 20 days of receiving the Notice of Motion the same documents listed in Step 3 (File the documents).

Part III: PREPARING FOR THE COURT HEARING

Step 1: Find out if there will be a hearing

The court has a choice of

- holding a hearing for your motion or
- making a decision based on the court documents and the evidence in the affidavits alone.

The court can hold the hearing by conference telephone if you and the other parent agree or if the court directs.

Make sure the information in your affidavit is complete because there may not be a hearing.

After you file and serve the notice of motion, ask at the court office if there will be a hearing.

Step 2: Gather any documents

Before the hearing, gather any documents that you expect to use as evidence in addition to affidavits, Financial Statements and income information. If possible, get the original documents. You should send copies of the documents to the other parent before the hearing.

Step 3: Organize your evidence and arguments

- *Think carefully* about how you will organize and present your case.
- *Write notes* to help you remember what to say first, second and so on.
- *Practice* what you want to say, but do not memorize it.
- *Be ready* to answer questions from the judge or the other party.

Step 4: Go to the court hearing

Someone at the court may speak to you before you go into court to see if you are both there and ready to proceed. If the other parent is not there, you should say so.

- ◆ If the other parent received the Notice of Motion and you filed your Affidavit of Service, you can ask the judge to go ahead in his or her absence. If the hearing goes ahead, the court order will be enforceable against the other parent even though he or she was not there. It is also possible that the judge may postpone the hearing.

If you decide not to go ahead with the proceeding, you should contact the court office before the hearing.

Tips for the Hearing

- Bring a friend for moral support.
- Wear appropriate clothes. Respect the decorum of the court.
- Be early. Arrive at court about 15 minutes before court starts.
- A court official will ask everyone to stand up when the judge enters the courtroom. Remain standing until the judge sits down and the official tells you to sit.
- When it is your turn to speak, speak directly to the judge. Stand when you speak. Be respectful to the judge. You should address the judge as "Sir" or "Madam".
- If someone asks you a question, you can take a moment to think before you answer. If you did not hear, or do not understand, say so. If you are not sure you should answer, ask the judge.
- Do not interrupt the judge or anyone else when they are speaking. Look at the person who is speaking or at the judge. Do not sigh loudly or shrug your shoulders in disbelief. If you disagree with someone, make a note of it. Then bring it up when it is your turn to speak.

Step 5: Getting a Court Order

The judge may tell you the decision at the end of the hearing. However, sometimes the judge may want time to think. If so, the judge will make a written decision after the hearing is over. The court administrator will send you a copy of the court order when the judge makes a decision.

The court can

- order the change in child support to begin immediately or in the future
- make the change **retroactive**. (A retroactive change is a change that will start at a date in the past). If you are seeking a retroactive order then you should request this in the Notice of Motion and in the Affidavit so that the other party has notice. Ordinarily, retroactive orders do not go back more than one year.
- refuse to make the change.

Terms you should know...

Appeals If you are unhappy with the order and if you believe the judge has made an error of law, you may be able to appeal the decision. If you are considering an appeal, you should immediately consult a lawyer. You have thirty days to start the appeal process after the decision.

Enforcement The **Family Support Orders Service** helps enforce orders for child support. An order for support that a New Brunswick court makes now will automatically be filed with this service. For more information get the PLEIS pamphlets on *Child and Spousal Support*.

COURT OFFICE ADDRESSES AND JUDICIAL DISTRICTS

Bathurst

Court of Queen's Bench, Family Division
P.O. Box 5001, 254 St. Patrick Street
Bathurst NB E2A 3Z9
Court Office: 547-2150 Mediation: 547-2152

Campbellton

Court of Queen's Bench, Family Division
P.O. Box 5001, 157 Water Street
Campbellton NB E3N 3H5
Court Office/Mediation: 789-2364

Edmundston

Court of Queen's Bench, Family Division
P.O. Box 5001, 121 Church Street
Edmundston NB E3V 1J9
Court Office: 735-2029 Mediation: 735-2028

Fredericton

Court of Queen's Bench, Family Division
P.O. Box 6000, 427 Queen Street
Fredericton NB E3B 5H1
Court Office/Mediation: 453-2015

Miramichi

Court of Queen's Bench, Family Division
673 King George Highway Court House
Miramichi NB E1V 1N6
Court Office: 627-4023 Mediation: 627-4024

Moncton

Court of Queen's Bench, Family Division
P.O. Box 5001, 770 Main Street
Moncton NB E1C 8R3
Court Office: 856-2304 Mediation: 856-2305

Saint John

Court of Queen's Bench, Family Division
110 Charlotte Street
Saint John NB E2L 4Y9
Court Office: 658-2400 Mediation: 658-2400

Woodstock

Court of Queen's Bench, Family Division
P.O. Box 5001, 689 Main Street
Woodstock NB E7M 5C6
Court Office: 325-4414 Mediation: 325-4300

Judicial District of Bathurst includes:
Gloucester County

Judicial District of Campbellton includes:
Restigouche County

Judicial District of Edmundston includes:
Madawaska County
Drummond and Grand Falls of
Victoria County

Judicial District of Fredericton includes:
York County
Sunbury County
Queens County

Judicial District of Miramichi includes:
Northumberland County

Judicial District of Moncton includes:
Albert County
Westmorland County
Kent County

Judicial District of Saint John includes:
Charlotte County
Saint John County
Kings County

Judicial District of Woodstock includes:
Carleton County
Victoria County except Drummond and
Grand Falls (see Edmundston)

Part IV: FORMS AND SAMPLE DOCUMENTS

Where to get Forms

In some judicial districts the court office can provide blank forms (\$1 each). Ask for the form by the form number. If the court in your district cannot provide a form, the staff may be able to tell you where to find forms. You can also copy the forms from volume 2 of the *Rules of Court*. There are copies of the *Rules of Court* at the university's law libraries and the Law Society of New Brunswick. Make sure that you get the most recent version of the form.

The forms in the *Rules of Court* do not have room enough for all the information required. You may be able to use the forms by enlarging them on a photocopier.

Examples of Court Documents

In the examples you will sometimes see information in brown ink. This colour indicates the information that applies to the people in the examples below. Fill in the correct information to reflect your own situation. Where the example calls for a signature and a printed name under a line, sign your own name and print your name below the line. As well, the numbered notes at the bottom of the page are for your information only. Do not reproduce them on the court documents.

The examples in this guide are only samples. When you fill the forms in, you will need to write the information appropriate to your circumstances. Depending on your circumstances, you may also need to provide other documents for your motion.

Form 72U must be submitted in bilingual format, but you may fill in the information in either English or French. You do not need to write on the English side only or the French side only. Write across the entire line where there is space.

Examples of Documents

Example 1	Notice of Motion under <i>Divorce Act</i> (Form 72U)	page 15
Example 2	Notice of Motion under <i>Family Services Act</i> (Form 72U).....	page 19
Example 3	Affidavit.....	page 23
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Example 5	Affidavit of Service (Personal Service).....	page 26
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**Example 1: Notice of Motion
under Divorce Act (Form 72U)**

Court File No/ N^o du dossier

IN THE COURT OF QUEEN'S BENCH OF
NEW BRUNSWICK
FAMILY DIVISION
JUDICIAL DISTRICT OF BATHURST

COUR DU BANC DE LA REINE DU
NOUVEAU BRUNSWICK
DIVISION DE LA FAMILLE
CIRCONSCRIPTION JUDICIAIRE DE

BETWEEN: ¹

ENTRE

Edith Arnold

APPLICANT

REQUÉRANT

AND

ET

Martin Arnold

RESPONDENT

INTIMÉ

NOTICE OF MOTION
(FORM 72U)

AVIS DE MOTION
(FORMULE 72U)

TO: ² Martin Arnold
427 Grove Street
Hometown, NB
E2A 3N3

À:

The applicant will apply to the court at ³
_____, on the ____ day of ____
20__, at _____ for the following order:

Le requérant demandera à la cour à _____
_____, le _____, 20__, à _____
h, l'ordonnance qui suit:

(Please check the appropriate box or boxes.)

(Veuillez cocher la ou les cases appropriées)

1. Child support for the following children:

- ☐ interim order or
☒ variation (or rescission or suspension) of
attached order

1. Ordonnance alimentaire au profit des
enfants suivants:

- ☐ ordonnance provisoire ou
☐ modification (ou abrogation ou
suspension) de l'ordonnance annexée

Name of child
Nom de l'enfant

Age
Âge

Date of birth
Date de naissance

John

5

April 5, 2000

Sarah

8

March 19, 1997

1. See page 4 on how to fill in the Title of Proceeding.

2. Fill in the other parent's full name and address.

3. Leave the spaces for the location and date blank. The court staff will fill them in.

(If claiming special expenses, please specify nature and amount, where possible, of the expense(s) claimed and name of child(ren) for which expense(s) are claimed.) ⁴

(Si vous demandez des dépenses spéciales, veuillez en préciser, si possible, la nature et le montant et le nom de l'enfant pour qui ces dépenses sont sollicitées.)

Nature of expense
Nature des dépenses

Amount claimed
Montant sollicité

Name of child
Nom de l'enfant

(State the grounds to be argued, including a reference to any statutory provision or rule to be relied on. If claiming an amount that is different from the table amount and is not a special expense, please specify the amount. Please attach affidavit specifying the reasons upon which you are relying for departure from the table amount.)

(Indiquer les motifs à discuter, y compris les renvois à toute disposition législative ou à toute règle invoquée. Si vous demandez un montant qui diffère du montant figurant à la table, et qui n'est pas une dépense spéciale, veuillez en préciser le montant. Veuillez joindre un affidavit indiquant les raisons sur lesquelles vous vous appuyez pour demander un montant autre que ce-lui qui apparaît à la table:

An Order that the Divorce Judgment dated March 10, 2002 be varied to set support for the two children of the marriage in accordance with the applicable guidelines on the grounds that a change of circumstances as provided in the applicable guidelines has occurred since the granting of the Divorce Judgment.

Particulars of Previous Order

Précisions sur l'ordonnance antérieure:

Date of previous order: March 10, 2002

Date de l'ordonnance antérieure:

Amount paid under previous order:
\$ 500 per month

Montant payé vertu de l'ordonnance antérieure:

4. Special Expenses refers to childcare, medical care, educational costs, post-secondary education or extracurricular activities. You can use the child support workbook to calculate Special Expenses. You may want to consult a lawyer.

2. Custody of the following children:

- ☐ Interim order or
- ☐ Variation (or rescission or suspension) of attached order

2. Ordonnance de garde des enfants suivants:

- ☐ Ordonnance provisoire ou
- ☐ Modification (ou abrogation ou suspension) de l'ordonnance annexée

Name of child
Nom de l'enfant

Age
Âge

Date of birth
Date de naissance

Previous custody arrangement:

Entente de garde antérieure:

Date of previous order:

Date de l'ordonnance antérieure:

3. Other claim (Please specify. State the relief sought and the grounds to be argued, including a reference to any statutory provision to be relied on.)

3. Autre demande (Veuillez préciser. Indiquez les mesures de redressement sollicitées et les motifs à discuter. Y compris les renvois à toute disposition législative invoquée).

Upon the hearing of the motion, the following affidavits or other documentary evidence will be presented: (list the documentary evidence to be used at the hearing of the motion)

1. Affidavit of Edith Arnold, sworn to on June 5, 2005

2. Financial Statement of Edith Arnold, sworn to on June 12, 2005

You are advised that:

- a) you are entitled to issue documents and present evidence at the hearing in English or French or both;
- b) the applicant intends to proceed in the English language; and
- c) if you intend to proceed in the other official language, an interpreter may be required and you must so advise the clerk at least 5 days before the hearing.

DATED at Hometown this 15th day of
June, 2005.

Edith Arnold

Edith Arnold, Applicant /~~Solicitor for applicant~~

Address

27 Grandview Street
Hometown, NB
E2F 5Y2

(Give the name, business address and telephone number of solicitor. Give the name, address and telephone number of an applicant who has not retained a solicitor.)

À l'audition de la motion, les affidavits ou les autres preuves littérales suivants seront présentés: (énumérez les preuves littérales qui seront utilisées lors de l'audition de la motion)

Sachez que:

- a) vous avez le droit dans la présente audition, d'émettre des documents et de présenter votre preuve en français, en anglais ou dans les deux langues;
- b) le demandeur a l'intention d'utiliser la langue _____; et
- c) si vous avez l'intention d'utiliser l'autre langue officielle, les services d'un interprète pourront être requis et vous devrez en aviser la greffier au moins 5 jours avant l'audition.

FAIT à _____ le
_____, 20____.

Requérant/~~Avocat du requérant~~

Adresse

(Donnez le nom, l'adresse professionnelle et le numéro de téléphone de l'avocat. Donnez le nom, l'adresse et le numéro de téléphone d'un demandeur qui n'a pas retenu les services d'un avocat.)

**Example 2: Notice of Motion
under Family Services Act
(Form 72U)**

Court File No/ N^o du dossier

IN THE COURT OF QUEEN'S BENCH OF
NEW BRUNSWICK
FAMILY DIVISION
JUDICIAL DISTRICT OF FREDERICTON

COUR DU BANC DE LA REINE DU
NOUVEAU BRUNSWICK
DIVISION DE LA FAMILLE
CIRCONSCRIPTION JUDICIAIRE DE _____

BETWEEN: ¹

ENTRE

David Adams APPLICANT

REQUÉRANT

AND

ET

Suzanne Adams RESPONDENT

INTIMÉ

**NOTICE OF MOTION
(FORM 72U)**

**AVIS DE MOTION
(FORMULE 72U)**

TO: ² Suzanne Adams
123 Main Street
Fredericton, NB
E3C 5H2

À:

The applicant will apply to the court at ³
_____, on the ____ day of _____
20__, at _____ for the following order:

Le requérant demandera à la cour à _____
_____, le _____, 20__, à _____
h, l'ordonnance qui suit:

(Please check the appropriate box or boxes.)

(Veuillez cocher la ou les cases appropriées)

1. Child support for the following children:

1. Ordonnance alimentaire au profit des
enfants suivants:

- ☐ interim order or
☒ variation (or rescission or suspension) of
attached order

- ☐ ordonnance provisoire ou
☒ modification (ou abrogation ou
suspension) de l'ordonnance annexée

Name of child
Nom de l'enfant

Age
Âge

Date of birth
Date de naissance

Andrea

14

August 12, 1991

1. See page 4 on how to fill in the Title of Proceeding.
2. Fill in the other parent's full name and address.
3. Leave the spaces for the location and date blank. The court staff will fill them in.

(If claiming special expenses, please specify nature and amount, where possible, of the expense(s) claimed and name of child(ren) for which expense(s) are claimed.) ⁴

(Si vous demandez des dépenses spéciales, veuillez en préciser, si possible, la nature et le montant et le nom de l'enfant pour qui ces dépenses sont sollicitées.)

Nature of expense
Nature des dépenses

Amount claimed
Montant sollicité

Name of child
Nom de l'enfant

(State the grounds to be argued, including a reference to any statutory provision or rule to be relied on. If claiming an amount that is different from the table amount and is not a special expense, please specify the amount. Please attach affidavit specifying the reasons upon which you are relying for departure from the table amount.)

(Indiquer les motifs à discuter, y compris les renvois à toute disposition législative ou à toute règle invoquée. Si vous demandez un montant qui diffère du montant figurant à la table, et qui n'est pas une dépense spéciale, veuillez en préciser le montant. Veuillez joindre un affidavit indiquant les raisons sur lesquelles vous vous appuyez pour demander un montant autre que ce-lui qui apparaît à la table:

An Order that the Order dated October 24, 2001 be varied to cancel arrears in the amount of \$1200 on the grounds that a change of circumstances as provided for in the regulations respecting orders for child support has occurred since the making of the Order.

Particulars of Previous Order

Précisions sur l'ordonnance antérieure:

Date of previous order: October 24, 2001

Date de l'ordonnance antérieure:

Amount paid under previous order:

Montant payé vertu de l'ordonnance antérieure:

\$ 240 per month

4. Special Expenses refers to childcare, medical care, educational costs, post-secondary education or extracurricular activities. You can use the child support workbook to calculate Special Expenses. You may want to consult a lawyer.

2. Custody of the following children:

- ☐ Interim order or
- ☐ Variation (or rescission or suspension) of attached order

2. Ordonnance de garde des enfants suivants:

- ☐ Ordonnance provisoire ou
- ☐ Modification (ou abrogation ou suspension) de l'ordonnance annexée

Name of child
Nom de l'enfant

Age
Âge

Date of birth
Date de naissance

Previous custody arrangement:

Entente de garde antérieure:

Date of previous order:

Date de l'ordonnance antérieure:

3. Other claim (Please specify. State the relief sought and the grounds to be argued, including a reference to any statutory provision to be relied on.)

Autre demande (Veuillez préciser. Indiquez les mesures de redressement sollicitées et les motifs à discuter. Y compris les renvois à toute disposition législative invoquée).

Upon the hearing of the motion, the following affidavits or other documentary evidence will be presented: (list the documentary evidence to be used at the hearing of the motion)

À l'audition de la motion, les affidavits ou les autres preuves littérales suivants seront présentés: (énumérez les preuves littérales qui seront utilisées lors de l'audition de la motion)

1. Affidavit of David Adams, sworn to on May 5, 2005

2. Financial Statement of David Adams, sworn to on May 5, 2005

You are advised that:

- a) you are entitled to issue documents and present evidence at the hearing in English or French or both;
- b) the applicant intends to proceed in the English language; and
- c) if you intend to proceed in the other official language, an interpreter may be required and you must so advise the clerk at least 5 days before the hearing.

Sachez que:

- a) vous avez le droit dans la présente audition, d'émettre des documents et de présenter votre preuve en français, en anglais ou dans les deux langues;
- b) le requérant a l'intention d'utiliser la langue _____; et
- c) si vous vous avez l'intention d'utiliser l'autre langue officielle, les services d'un interprète pourront être requis et vous devrez en aviser la greffier au moins 5 jours avant l'audition.

DATED at Hometown this 14th day of May, 2005.

FAIT à _____ le _____, 20____.

David Adams

David Adams, Applicant / ~~Solicitor for applicant~~

Demandeur/ ~~Avocat du demandeur~~

Address

Adresse

11 Elm Street
Hometown, NB
E2F 1A0

(Give the name, business address and telephone number of solicitor. Give the name, address and telephone number of an applicant who has not retained a solicitor.)

(Donnez le nom, l'adresse professionnelle et le numéro de téléphone de l'avocat. Donnez le nom, l'adresse et le numéro de téléphone d'un demandeur qui n'a pas retenu les services d'un avocat.)

Example 3: Affidavit

Court File No XXXX-XXXX

IN THE COURT OF QUEEN'S BENCH OF NEW BRUNSWICK
FAMILY DIVISION
JUDICIAL DISTRICT OF MONCTON

BETWEEN:¹

Jane Doe,

APPLICANT

- and -

Richard Smith,

RESPONDENT

AFFIDAVIT

I, Jane Doe of Hometown, in the County of Westmorland and Province of New Brunswick, make oath and say that:

1. I am the applicant in the Notice of Motion dated the 8th day of June, 2005 and the applicant named in the Notice of Application dated the 9th day of June, 2003.
2. Richard Smith is the respondent in the Notice of Motion dated the 8th day of June, 2005 and the respondent named in the Notice of Application dated the 9th day of June, 2003.
3. The respondent resides at 789 Queen Street in the town of Hometown in the province of New Brunswick. I know this address as it is where I contact the respondent to discuss matters relating to the children.
4. The respondent Richard Smith and I were married on June 11, 1991.
5. The respondent moved out of the marital home on June 1, 1996 when we separated.
6. The respondent and I have two children, Paula Smith and Jack Smith.
7. Our daughter Paula Smith was born on March 15, 1994 and she is now 11 years old.
8. Our son Jack Smith was born on January 23, 1996 and he is now 9 years old.
9. The children live with me at 456 Main Street in the town of Hometown in the province of New Brunswick.

1. See page 4 on how to fill in the Title of Proceeding.

10. By an Order of Justice (judge's name) dated September 9, 1996, support for the two children was set at a total of \$420 per month to be paid by Richard Smith to Jane Doe. A copy of the order is attached to this affidavit as Exhibit A².

11. The child support payments are not in arrears.

12. The New Brunswick *Child Support Guidelines Regulation - Family Services Act* came into force on May 1, 1998, subsequent to the making of the Order of Justice (judge's name).

13. The respondent's yearly income when we separated was \$30,000.

14. I have been informed by Michael Kramer, contractor, of 231 Pleasant Place in the city of Smalltown in the county of Westmorland and Province of New Brunswick that he has employed the respondent as a carpenter since October 13, 2003 at a yearly salary of \$42,000, and I believe the information of Mr. Kramer.

15. The respondent and I have been unable to reach an agreement to change the amount of child support.

16. I make this affidavit in support of a motion to vary the Order of Justice (judge's name) to set child support according to the provisions of the *Child Support Guidelines Regulation - Family Services Act*.

17. I confirm that all of the information in the Notice of Motion is correct.

SWORN before me at
Fredericton, in the County of York,
in the Province of New Brunswick,
this 8th day of June, 2005.

Jane Doe

Commissioner of Oaths³

Being a Solicitor or
My appointment expires
(Month... Day... Year)...

Jane Doe

- _____
2. Attach the original Order to this Affidavit. Write "A" on the Order. The Commissioner of Oaths should initial beside the "A".
3. Print the name of the Commissioner of Oaths under the line.

Example 4: Covering Letter

456 Main St.
Hometown, NB
E3A 1Z1

June 30, 2005

Office of the Administrator
Court of Queen's Bench, Family Division
Justice Building, Queen Street
P. O. Box 6000
Fredericton, NB
E3B 5H1

Dear Sir or Madam:

You will find enclosed the following documents:

- Notice of Motion,
- Financial Statement and income information, and
- Affidavit with original order attached as Exhibit A.

Please file the documents and return my copy to me at the above address.

Yours truly,

Jane Doe

Jane Doe

Enclosures

**Example 5: Affidavit of Service
(Personal Service)**

Court File No XXXX-XXXX

IN THE COURT OF QUEEN'S BENCH OF NEW BRUNSWICK
FAMILY DIVISION
JUDICIAL DISTRICT OF MONCTON

BETWEEN:¹

Jane Doe,

APPLICANT

- and -

Richard Smith,

RESPONDENT

**AFFIDAVIT OF SERVICE
(FORM 18B)**

I, Kate Jones, of the city of Moncton, in the County of Westmorland, in the Province of New Brunswick, teacher, MAKE OATH AND SAY AS FOLLOWS:

1. On the 15th day of June, 2005, I served the respondent with the attached document marked "A" by leaving a copy with him at 789 Queen Street, Hometown, New Brunswick.²
2. I was able to identify the person served by means of the fact that I know him personally or the respondent admitted to being Richard Smith. The respondent showed me his New Brunswick driver's license in the name of Richard Smith, number 777777, bearing the respondent's signature, which is the same as the signature on the back of the original Notice of Motion.³

SWORN before me at Moncton,
in the County of Westmorland,
in the Province of New Brunswick,
this 16th day of June, 2005.

A Commissioner of Oaths⁴

Being a solicitor or
My appointment expires
(Month, -- Day -- Year)

Kate Jones
Kate Jones

1. See page 4 on how to fill in the Title of Proceeding.
2. Attach the original Notice of Motion and the documents. Write "A" on the Notice of Motion. The commissioner of oaths should initial beside the "A".
3. The server must fill in the method of identification that he or she used.
4. Print the name of the commissioner of oaths under the line.

**Example 6: Affidavit of Service
by Registered Mail**

Court File No XXXX-XXXX

IN THE COURT OF QUEEN'S BENCH OF NEW BRUNSWICK
FAMILY DIVISION
JUDICIAL DISTRICT OF MONCTON

BETWEEN:¹

Jane Doe,

APPLICANT

- and -

Richard Smith,

RESPONDENT

**AFFIDAVIT OF SERVICE
(FORM 18B)**

I, Kate Jones, of the city of Moncton, in the County of Westmorland, in the Province of New Brunswick, teacher, MAKE OATH AND SAY AS FOLLOWS:

1. On the 15th day of June, 2005, I served the respondent with the attached document marked "A" by sending a copy of the document [together with the Acknowledgment of Receipt Card]² by registered mail addressed to the respondent at 57 Lilac Street, Moncton, New Brunswick, his last known address.
2. On the 25th day of June, 2005, [the attached Acknowledgement of Receipt Card or post office receipt]³ marked "B" bearing a signature which appears to be the signature of the respondent was returned to and received by me.

SWORN before me at Moncton,
in the County of Westmorland,
in the Province of New Brunswick, this
26th day of June, 2005.

A Commissioner of Oaths⁴

Being a solicitor or
My appointment expires
(Month, . . . Day, . . . Year)

Kate Jones
Kate Jones

1. See page 4 on how to fill in the Title of Proceeding.
2. If you use an Acknowledgement of Receipt Card, add what is written in brackets.
3. Attach the original Notice of Motion and mark it "A". Also attach the respondent's acknowledgement of receipt card or post office receipt and mark it "B". The commissioner of oaths will initial beside the "A" and "B" on the attached documents.
4. Print the name of the commissioner of oaths under the line.

**Example 7: Acknowledgment of
Receipt Card (Form 18A)**

Court File No XXXX-XXXX

IN THE COURT OF QUEEN'S BENCH OF NEW BRUNSWICK
FAMILY DIVISION
JUDICIAL DISTRICT OF MONCTON

BETWEEN:¹

Jane Doe,

APPLICANT

- and -

Richard Smith,

RESPONDENT

**ACKNOWLEDGMENT OF RECEIPT CARD
(Form 18A)**

TO: Richard Smith
789 Queen Street, Hometown, NB

You are served by mail with the documents enclosed with this card pursuant to the Rules of Court.

You **MUST** complete and sign the acknowledgement below and mail this card within 3 days of the date you receive it or you may have to pay the costs of the Sheriff or some other person serving you personally.

Acknowledgement of Receipt

I hereby acknowledge that on the 19th day of June, 2005, I received the following documents:

- a) copy of the Notice of Application together with attached documents.
- b) Financial Statement and income information.

Richard Smith
Richard Smith

The full address of the sender appears on the reverse side of the Acknowledgement of Receipt Card.

Do not forget to put a stamp on the card before mailing it.

1. See page 4 on how to fill in the Title of Proceeding.

**Example 8: Cover Page for a
Record on Motion**

Court File No XXXX-XXXX

IN THE COURT OF QUEEN'S BENCH OF NEW BRUNSWICK
FAMILY DIVISION
JUDICIAL DISTRICT OF MONCTON

BETWEEN:¹

Jane Doe,

APPLICANT

- and -

Richard Smith,

RESPONDENT

RECORD ON MOTION

For presentation before the court on _____ 2005, at _____.

Applicant on Motion:

Jane Doe, Applicant
456 Main Street
Hometown, NB
E2A 1Z1
Telephone: 555-0000

Respondent to the Motion:

Richard Smith, Respondent
789 Queen Street
Hometown, NB
E2A 1Z2
Telephone: 555-1111

1. See page 4 on how to fill in the Title of Proceeding.

**Example 9: Index for a
Record on Motion**

Court File No XXXX-XXXX

IN THE COURT OF QUEEN'S BENCH OF NEW BRUNSWICK
FAMILY DIVISION
JUDICIAL DISTRICT OF MONCTON

BETWEEN:¹

Jane Doe,

APPLICANT

- and -

Richard Smith,

RESPONDENT

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4. Financial Statement and income information of Jane Doe	7
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6. Affidavit of Richard Smith	22
7. Financial Statement and income information of Richard Smith	24

1. See page 4 on how to fill in the Title of Proceeding.

Example 10: Responding Document

Court File No XXXX-XXXX

IN THE COURT OF QUEEN'S BENCH OF NEW BRUNSWICK
FAMILY DIVISION
JUDICIAL DISTRICT OF SAINT JOHN

BETWEEN:¹

John Doe

APPLICANT

- and -

Jane Roe

RESPONDENT

RESPONDING DOCUMENT

I, Jane Roe of Saint John, in the County of Saint John and the Province of New Brunswick, make oath and say that:²

1. I am the respondent in the Notice of Motion dated the 2nd day of September, 2005 wherein John Doe is the Applicant.
2. I intend to proceed in the English language.
3. The respondent and I have 2 children, James (born January 1, 1999) and Janet (born July 5th 2002)
4. An order for child support was made on July 10th, 2003 by Justice (judge's name) in the amount of \$355 per month for the support of the two children.
5. I do not oppose the Applicant's request for an adjustment in the table amount of child support.
6. I request an order that the Applicant be ordered to pay 50% of the cost of daycare for our 3-year-old child Janet. At the time of the original order, there were no daycare costs as my mother looked after Janet. My mother has since moved to Halifax. Janet's daycare costs \$500 per month.³

Sworn before me at _____
in the County of _____
in the Province of New Brunswick
this ____ day of _____

Commissioner of Oaths
Address for service
123 Any Street
Saint John, NB E1E 10H

Jane Roe
Jane Roe

Where the Respondent seeks support, this form shall be accompanied by a Financial Statement in Form 72J and any income information required by the regulations respecting orders for child support under the *Family Services Act*.

1. See page 4 on how to fill in the Title of Proceeding
2. Give the reasons why the court should refuse the motion.
3. If you are asking the court to do anything in addition to refusing the motion, write what you would like the court to order, for example, change support to the table amount, cancel arrears or order payment of arrears.

Feedback Survey: Child Support Variation Kit

Your feedback on this document is very important to us. The document was developed to help you. How well did we do? Please take a few minutes to answer these questions.

1. How did you find the format?

____ easy to use ____ difficult to use ____ could be improved

Comments: _____

2. Was the kit

____ useful? ____ somewhat useful? ____ not useful?

Comments: _____

3. Were the directions in this kit

____ clear? ____ somewhat clear? ____ difficult to understand?

Comments: _____

4. We are interested in your general comments as well. Please give us your ideas, opinions, comments, and suggestions for improvement of the Variation Kit.

Thank you very much for your cooperation! Please forward your response to:

Public Legal Education and
Information Service of New Brunswick
P.O. Box 6000
Fredericton, NB
E3B 5H1

Telephone: (506) 453 - 5369

Fax: (506) 462 - 5193

Email: pleisnb@web.ca

**Formule de rétroaction : Trousse de modification aux
pensions alimentaires pour enfants**

Votre point de vue sur la trousse a beaucoup d'importance pour nous. Nous avons écrit ce trousse pour vous aider. Y avons-nous réussi et dans quelle mesure? Voilà ce que nous aimerions savoir et c'est pourquoi nous vous demandons de répondre aux questions suivantes.

1. Que pensez-vous de sa présentation?

____ facile à utiliser ____ difficile à utiliser ____ pourrait être améliorée

Commentaires: _____

2. Trouvez-vous cette trousse

____ utile? ____ plus ou moins utile? ____ inutile?

Commentaires: _____

3. Les directions contenue dans la Trousse est-elle

____ compréhensible? ____ plus or moins compréhensible? ____ incompréhensible?

Commentaires: _____

4. Nous aimerions également savoir ce que vous pensez du Trousse en général. Veuillez nous faire connaître vos idées, opinions, commentaries, et vos suggestions quant aux points à améliorer.

Nous remercions beaucoup de votre collaboration! Prière de faire parvenir le sondage rempli à :

Service public d'éducation et d'information juridiques
du Nouveau Brunswick
C.P. 6000
Fredericton, NB
E3B 5H1

Téléphone: (506) 453-5369

Fax: (506) 462-5193

Courriel: pleisnb@web.ca

